

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

D. W., Respondent,)	No. ED101982
)	
vs.)	Appeal from the Circuit Court
)	of St. Louis County
J. O., Appellant.)	Hon. Ellen H. Ribaud
)	Filed: September 22, 2015

This appeal arises from the judgment of the trial court ordering D.W. (“Father”) to pay some of the attorney fees incurred by J.O. (“Mother”) while litigating custody of the parties’ minor child and awarding Father the child income tax exemption. On appeal, Mother claims error on both of those issues and also challenges the process by which the trial court entered that judgment on the findings of the family court commissioner.

AFFIRMED.

Division One holds:

The commissioner’s findings in this case did not trigger the fifteen-day period in which to file a motion for rehearing. That motion was not due until after the circuit court entered judgment on those findings. There was no violation of the applicable rules or due process arising from the court’s entry of judgment the same day the commissioner’s findings were issued. Likewise, Mother had the opportunity and did file a motion for rehearing thereafter. Denial of that motion the same day it was filed was not a violation of any applicable rules or due process. Nor did any of these actions by the circuit court thwart Mother’s ability to seek a change of judge.

There was no abuse of discretion in the award and no error in awarding Father the income tax exemption.

Opinion by: Robert G. Dowd, Jr., P.J.
Mary K. Hoff, J. and Roy L. Richter, J., concur.

Attorney for Appellant: Thomas E. Bauer

Attorneys for Respondent: Francis J. Murphy, III , Brittany A. Brown

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
